UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE: **DERICK LAMONT BROWN** **JACLYN P. BROWN** **Debtors**	**CASE NO: 13-51545 G** **Honorable Craig A. Gargotta**

TRUSTEE'S MOTION TO DISMISS AND NOTICE OF HEARING

A HEARING WILL BE HELD ON THIS MOTION AT COURTROOM # 3 , U. S. POST OFFICE BUILDING, 615 E. HOUSTON STREET, SAN ANTONIO, TEXAS, ON June 21, 2016 AT 9:30 A.M. THIS WILL BE THE ONLY NOTICE OF THIS HEARING.

COMES NOW Mary K. Viegelahn, Trustee, in the above captioned case, and files this her Motion to Dismiss and Notice of Hearing. In support thereof, the Trustee would represent to the Court the following:

The Debtors are in material default with respect to the terms of the Plan as confirmed by the Court . The Debtors have failed to make payments as required by the Plan. The Debtors are in arrears $4,177.96 through April 2016. The Plan payment is $1,430.00 per month.

The Debtors' Chapter 13 Plan is no longer feasible and does not pay a dividend of 100 % to all allowed general unsecured creditors.

The Trustee requests that in the event the case is dismissed, the Court holds that any funds held by the Trustee at the time of dismissal shall not re-vest in the Debtors pursuant to 11 U .S.C. §349(b)(3), and that such funds be disbursed by the Trustee to creditors pursuant to the plan as confirmed or modified and pursuant to 11 U .S.C. §1326(a)(2).

Cause exists to dismiss this case.

WHEREFORE, PREMISES CONSIDERED, the Trustee requests that this Court dismiss this case in accordance with 11 U.S.C. §1307(c)(6), discharge the Trustee from her trust and sureties in connection with this case, and for such other relief as this Court may deem proper.

Dated: 4/7/2016

/S/ JESSICA L. HANZLIK

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